

STEPHEN K. BOLIN, JR., )  
)  
Petitioner )  
)  
v. ) CAUSE NO. 3:11-CV-446 RM  
)  
SUPERINTENDENT, )  
)  
Respondent )

Stephen K. Bolin, Jr., a *pro se* prisoner, filed this habeas corpus petition to challenge his 2005 child molesting conviction by the Tippecanoe Superior Court. This isn't the first time Mr. Bolin has brought a habeas corpus petition challenging that conviction. Mr. Bolin tried to challenge the same conviction in Bolin v. Superintendent, 3:07-CV-198 (N.D. Ind. filed April 27, 2007). The court found that the petition was procedurally defaulted and final judgment was entered January 14, 2008.

Regardless of whether the claims that Mr. Bolin is now trying to present are new or whether they were presented in his previous petition, this petition must be dismissed because this court has no power to consider them. “A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.” 28 U.S.C. § 2244(b)(1). Therefore any claims previously presented must be dismissed. Any claim not previously presented must also be dismissed because “before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3). Mr. Bolin hasn’t obtained an order from the court of appeals permitting him to proceed with any

previously unrepresented claims. “A district court must dismiss a second or successive petition . . . unless the court of appeals has given approval for its filing.” Nunez v. United States, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original). Therefore any previously unrepresented claims also must be dismissed.

For the foregoing reasons, this case is **DISMISSED** for want of jurisdiction.

SO ORDERED.

ENTERED: January 17, 2012

\_\_\_\_\_/s/ Robert L. Miller, Jr.  
Judge  
United State District Court

cc: S. Bolin, Jr.